

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JULIANA SALAZAR DE VELEZ,  
Plaintiff,

-against-

09 Civ. 6246 (DAB)  
ADOPTION OF REPORT  
AND RECOMMENDATION

MICHAEL J. ASTRUE,  
Commissioner of Social Security,  
Defendant.

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DEBORAH A. BATTIS, United States District Judge.

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Ronald L. Ellis, dated December 22, 2010 ("the Report").

Pro se Plaintiff brings this action seeking review, pursuant to 42 U.S.C. § 405(g), of the Commissioner of Social Security's determination that she is not disabled within the meaning of the Social Security Act, 42 U.S.C. §§ 423(d)(1)(A), 423(d)(2)(A), 1382c(a)(3)(A), and 1382c(a)(3)(B). On January 14, 2010, the Commissioner moved for judgment on the pleadings, pursuant to Federal Rule of Civil Procedure 12(c), seeking an Order affirming the decision of the Commissioner and dismissing the Complaint. The Report recommends that the Commissioner's motion be denied and the case be remanded for further proceedings. (Report at 1.)

Pursuant to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy [of a Magistrate Judge's

Report and Recommendation], any party may serve and file written objections to such proposed findings and recommendations..." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. 72(b)(2). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. See 28 U.S.C. § 636(b)(1)(A); Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003).

By letter dated January 31, 2011, Defendant advised the Court that it has no objections to the Report. Despite being advised of the procedure for filing objections in Judge Ellis' Report, and warned that failure to file objections would waive objections and preclude appellate review, (Report at 18), Plaintiff has filed no objections to the Report.

This Court having reviewed the Report and Recommendation and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge Ronald L. Ellis dated December 22, 2010 is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Defendant's motion to affirm the Commissioner's findings and dismiss the complaint is DENIED;

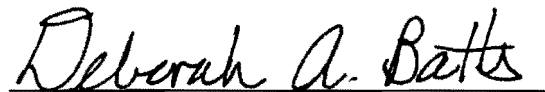
3. The case is REMANDED to the Commissioner of Social Security for reconsideration;

4. The Clerk of Court is directed to CLOSE the docket in this case.

SO ORDERED.

Dated: New York, New York

July 6, 2011

A handwritten signature in cursive script, reading "Deborah A. Batts", written over a horizontal line.

Deborah A. Batts  
United States District Judge